IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 364 OF 2006

Anil Waghu Khilare ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. Uday Warunjikar for the applicant.

Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 29th September, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for relaxation of condition imposed by this Court. By order dated 27/04/2006, this Court had directed that the applicant shall not enter Pune City during the pendency of the trial. It is submitted by the learned Counsel appearing on behalf of the applicant that the applicant is working in the Agricultural Market Produce Committee and a notice has been issued by his employer asking him to report to work. The learned Counsel submitted that the

applicant, therefore, may be permitted to attend his work and for that purpose the condition imposed by this court be relaxed.

3. The learned APP appearing on behalf of the State opposed this application. It is submitted that if this condition is relaxed, there is every possibility that the applicant may threaten the witnesses. It is further submitted by the learned APP that the applicant was appointed as a temporary worker and his term is due to expire on 31st September, 2006. She submitted that, therefore, there is no question of the applicant attending his Office.

4. While dealing with the application of the applicant/accused, by order dated 27/04/2006, I have already noted that there is no direct or circumstantial evidence against the present applicant save and except the statement of the co-accused who has stated that the applicant has participated in the commission of the said offence. It is no doubt true that the applicant was alleged to be involved in a murder case in the past. However, the fact remains that he has been acquitted by the Sessions Court from the earlier case. The charge-sheet has already been filed. Moreover, five months have elapsed after the condition was imposed by this court, directing the applicant

not to enter City of Pune. It cannot be denied that if the applicant does not report to work, he is likely to loose his job. The learned Counsel for the applicant submitted that the license which is issued to him is always renewed for a period of one year only. Taking into consideration these facts and circumstances, the condition imposed by this Court will have to be relaxed and cancelled. The earlier condition is therefore revoked. The applicant, however, shall report to Vishrambaug Police Station, Pune once in a week.

5. Applicant shall not threaten any witnesses or tamper with the evidence. If any application is received by the Police, liberty is given to the respondents to apply for cancellation of bail.

6. Application is disposed of in the above terms.

(V.M. KANADE, J.)